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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,864	03/23/2004	Steven G. Conner	12497.001	5483

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BOWERS HARRISON LLP  
GARY K. PRICE, ESP.  
25 RIVERSIDE DRIVE  
PO BOX 1287  
EVANSVILLE, IN 47706-1287

EXAMINER

TOLAN, EDWARD THOMAS

ART UNIT PAPER NUMBER

3725

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/807,864	<b>Applicant(s)</b> CONNER, STEVEN G.	
	<b>Examiner</b> Tolan Edward	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: "wherein said bores for attaching" should be --wherein said bores are for attaching--. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: "wherein the body for attaching" should be --wherein the body is for attaching--. Appropriate correction is required.

Claim 18 is objected to because of the following informalities: "with pulling jaws" should be --with said pulling jaws--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the pivot bores" in line 2. There is insufficient antecedent basis for this limitation in the claim. The bores are set forth as "opposing bores" in claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-6,8-10,12,13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lincourt (3,610,022). Lincourt discloses a clamp accessory that attaches to a pull clamp comprising a base member (25) having a first end portion (26), a second end portion (27) and a wall (38 or 27A) disposed between the ends. The first end portion has a pair of opposing bores (28) for attaching the pull clamp by threaded sliding rods (20) attached with nuts and bolts. A body bore (35,26) is in the second end portion. Side walls (29) extend the length of the base (the base 25 has a width, the width section of the base is a side wall). A chain is applied at (41,42) for attachment to a pulling device. Regarding claims 12 and 13, wall (38) is slanted to the base ends and at least the middle of it is at a 45 degree angle thereto.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lincourt (3,610,022) in view of Peters et al. (4,815,719). Lincourt does not disclose that the opposing bores are kidney-shaped. Peters teaches kidney-shaped bores in a first end of a clamp accessory (2). It would have been obvious to one skilled in the art at the

time of invention to provide kidney-shaped bores in Lincourt as taught by Peters in order to have a greater attachment area for the sliding rods.

Claims 7, 11 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lincourt (3,610,022) in view of Jarman et al. (4,296,626). Lincourt discloses a clamp accessory that attaches to a pull clamp comprising a base member (25) having a first end portion (26), a second end portion (27) and a wall (38 or 27A) disposed between the ends. The first end portion has a pair of opposing bores (28) for attaching the pull clamp by threaded sliding rods (20) attached with nuts and bolts. A body bore (35, 26) is in the second end portion. Side walls (29) extend the length of the base (the base 25 has a width, the width section of the base is a side wall). A chain is applied at (41, 42) for attachment to a pulling device. Regarding claims 12 and 13, wall (38) is slanted to the base ends and at least the middle of it is at a 45 degree angle thereto. Lincourt does not disclose kidney shaped bores and a reinforcement plate. Jarman teaches a clamp accessory (82) having a central hole (168) and a kidney-shaped bore (188), the clamp accessory is a plate. It would have been obvious to one skilled in the art at the time of invention to provide Lincourt with various bolt hole patterns as taught by Jarman in order to provide different anchoring schemes depending upon pulling arrangements necessary for repair.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

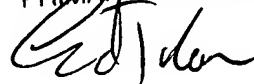
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Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525, FAX paper should be sent to 571-273-8300.

ED TOLAN  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Ed Tolan", is written over the printed name and title.